



Photo: NRC / Enayatullah Azad



The Asia Displacement Solutions Platform (ADSP) is a joint initiative of the Danish Refugee Council, the International Rescue Committee and the Norwegian Refugee Council, which contributes to the development of solutions for displacement-affected populations in the region.

Drawing upon its members operational presence throughout Asia, and its extensive advocacy networks in Europe and North America, ADSP engages in evidence-based advocacy initiatives to achieve improved outcomes for displacement-affected communities. As implementing agencies, ADSP members work closely with displaced populations and the communities that host them, and are therefore able to contribute to a distinctive, field-led, perspective to policy and advocacy processes.

By coming together under the aegis of the ADSP, the three member agencies – global leaders in innovative policy and programming – commit to collaboration in order to achieve improved outcomes for displacement affected communities in the region.

Briefing Note: Deported to what? Afghans in Pakistan

Pakistan is currently host to over 3 million Afghan refugees with various forms of legal status. For some Afghans, they have resided in Pakistan for decades, with many born and raised in the country. The level of protection afforded to Afghan refugees in Pakistan is contingent upon their legal status. Almost two-thirds of all Afghans in Pakistan live outside of camps and are socially and economically interwoven into all parts of Pakistani society.

Afghan refugees may be Proof of Registration (PoR) cardholders, Afghan Citizen Card (ACC) holders, undocumented, in irregular status, or holding an ordinary visa (student, work, medical, marriage etc).

Since August 2021, there have been an estimated 600,000 new Afghan arrivals reported by the Government of Pakistan, although the actual figures are likely much higher. Of this number, approximately 303,000 have approached UNHCR for registration, however, UNHCR have not been permitted to register new arrivals.

At present, recent Afghan refugee arrivals in Pakistan have been categorised by the government into the following three groups:

1. Temporary migrants (those residing in border towns, with extended families, or camps)
2. Transit refugees (those arrived based on the reasons of being settled in other countries)
3. Resident Card Holders

Under the new directive – as outlined below - all groups would be subject to repatriation through a phased approach.

Imminent forced returns from Pakistan to Afghanistan

On 26 September 2023, the Ministry of the Interior of the Government of Pakistan issued the **Illegal Foreigners Repatriation Plan**. According to the proposed plan, it is intended to “regulate the foreigners in Pakistan and to ensure that the foreigners staying illegally or overstaying their visa validity are deported back to their parent countries.”

This Plan outlines the proposed return / deportation procedures for non-citizens who reside in Pakistan and do not hold a valid visa. According to media reports, the Plan was created in response to “growing terrorist threats, engagement by foreigners in criminality, and negative associated impacts to the economy”. It is estimated that nearly 1.7 million Afghans are likely to be affected by the decision which will come into effect on 1 November 2023.

Returnees from Pakistan primarily return to Afghanistan via the Torkham border in Nangarhar province and Spin Boldak border in Kandahar. According to data from IOM, since 1 January 2023, 84,000 Afghan returnees have passed through the two border crossings, excluding those forcibly returned¹.

Since September 2023, the rate of return is approximately 300-400% above the average monthly levels for the first half of the year. Many are in need of livelihoods, shelter, health and protection assistance. In September this year 14,807 undocumented Afghans returned from Pakistan through the Torkham and Spin Boldak border crossing points, almost doubling the return figures seen in August (7,578). NRC’s team working at the border have corroborated that there has been a stark increase in Afghans returnees since the announcement in September. At present, this increase in returns is being reported as largely spontaneous, however, the increases in the number of people returning ‘voluntarily’ to Afghanistan each day are likely linked to the threat of forced deportation made by the Pakistan Government.

¹ IOM DTM Movements In and Out of Afghanistan

The **Illegal Foreigners Repatriation Plan** – already approved by Federal Cabinet – suggests that the process of repatriation shall be carried out in phases. The first cohort of returnees (“Phase 1”) is slated to be ‘illegal’ / unregistered foreigners and those who have overstayed their visa validity periods. This will include all foreigners but will primarily be Afghans. In the next phases, Pakistani authorities propose to repatriate / deport Afghan Citizen Card (ACC) holders (“Phase 2”), followed by the repatriation of Proof of Registration (PoR) card holders (“Phase 3”). It is unclear what if any protections ACC or PoR cards may hold.

Background to the various legal statuses of Afghans in Pakistan

Historically, Afghan refugees residing in Pakistan did not necessitate legal documentation. However, starting in 2006 the Pakistani government introduced Proof of Registration (PoR) cards. Until now, these cards provide a degree of safeguard against deportation and harassment, as well as access to certain rights. As of October 2023, approximately 1.3 million Afghans possessed PoR cards (which expired in June 2023).

Since their inception in 2006, the PoR cards have been subject to periodic renewal, with multiple ad hoc extensions to their validity. This lack of permanence in the PoR status, at times renewed for merely six months, has fostered a perennial sense of insecurity and uncertainty among Afghan refugees regarding their prospects in exile.

In 2017, the Government of Pakistan facilitated the issuance of Afghan Citizen Cards (ACC) for unregistered Afghans in the country. These cards were issued for authorities to better understand who was on their territory, as well as to ensure more Afghans could access some form of identity documentation. ACC card holders can only access limited services and it remains hard for them to access formal livelihood opportunities.

Finally, unregistered Afghan refugees are not officially considered as refugees neither by the Government of Pakistan, nor by the United Nations High Commissioner for Refugees (UNHCR). As such, they do not have access to any services, benefits or protections.

All new Afghan arrivals to Pakistan since August 2021 have been unable to formally register with UNHCR or with the Pakistani authorities. As such, they have all remained unregistered and are therefore susceptible to arrest, detention, and return.

Recommendations

To the Pakistan authorities:

- The Government of Pakistan should reconsider their decision of repatriation and adhere to UNHCR Non-Return Advisory for Afghanistan while conditions remain un conducive for sustainable return.
- Authorities must rethink the decision to proceed with involuntary returns while it remains impossible to safeguard rights for returnees and where returns may result in human rights concerns, as well as undermine any possibility of sustainable reintegration. In addition, they must assess and determine the capacity of institutions in Afghanistan to establish the appropriate and necessary conditions for returnees.
- Authorities must ensure appropriate safeguarding measures are put in place in Pakistan to ensure refugees and asylum seekers in need of protection are identified and not returned.
- Comply with the Regional Refugee Response Plan for the Afghanistan Situation (RRP) 2023's Strategic Objective 3 (SO 3). This emphasises the imperative of aiding host governments in guaranteeing access to their territory, providing asylum, and ensuring protection in alignment with established international norms. Furthermore, this entails upholding the fundamental principle of non-refoulement and addressing essential components such as admission, reception, registration, and documentation.

To donor governments:

- Donors must mobilise additional funding to address the needs of hundreds of thousands of potential Afghan returnees from Pakistan and avoid straining limited resources currently available to humanitarian responders.
- Returns cannot and must not be seen as the only viable durable solution for Afghans currently in Pakistan. Donors must step up support and investment for initiatives to support Afghans hosted in neighbouring Pakistan and Iran, as well as demonstrate responsibility sharing through increased levels of resettlement to third countries.
- The Support Platform for the Solutions Strategy for Afghan Refugees members should mobilise to engage with counterparts in Pakistan to express their concerns for such deportations.
- Donors must continue to engage with Afghanistan to address the chronic economic paralysis, underfunded humanitarian response and the absence of development assistance. Without progress on these fronts, sustainable returns will not be achievable.

To International Organisations

- The UNHCR Non-Return Advisory for Afghanistan remains active and was renewed in February 2023. UNHCR must impress upon the Government of Pakistan the need to adhere to this Advisory.
- UNHCR's mandate should necessitate a principled and leadership stance on the issue of returns and potential refolement occurring if returns proceed. High level advocacy towards the Government of Pakistan must focus on overturning the repatriation plan and agreeing new and improved response modalities for the Afghan refugee population in Pakistan.
- UNHCR, IOM, and OCHA must continue to advocate with Pakistan Government authorities for principled and inclusive discussions around durable solutions. Voluntary return must be a precondition for any return.
- Voluntary return processes should be followed at all times and must ensure that the physical return of Afghans to their place of habitual residence duly adheres to the need for safety and security, adequate standard of living, access to livelihoods, restoration of housing, land and property, access to documentation, family reunification, participation in public affairs, and access to effective remedies and justice.
- UNHCR and IOM should seek to expeditiously produce information products to be provided to returnees with information about available services in destination areas, along with a hotline number.
- Comply with the Regional Refugee Response Plan for the Afghanistan Situation (RRP) 2023's Strategic Objective 3 (SO 3). This emphasises the imperative of aiding host governments in guaranteeing access to their territory, providing asylum, and ensuring protection in alignment with established international norms. Furthermore, this entails upholding the fundamental principle of non-refoulement and addressing essential components such as admission, reception, registration, and documentation.

To NGOs

- NGOs must swiftly mobilise to ensure a coordinated and expanded presence at Zero Point border crossings into Afghanistan in support of protection, health and education interventions.
- NGOs should ensure active programme response coordination that supports voluntary reintegration in areas of destination, in line with the Inter-Agency Steering Committee (IASC) Durable Solutions Framework.
- NGOs must continue highlighting the humanitarian conditions that Afghan refugees may encounter if forcefully repatriated.